

**ASSEMBLY BILL**

**No. 298**

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**Introduced by Assembly Member Tran**

February 17, 2009

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An act to amend Section 904.1 of the Code of Civil Procedure, relating to appeals.

LEGISLATIVE COUNSEL'S DIGEST

AB 298, as introduced, Tran. Appeals: class action certification.

Existing law provides that an appeal is to the court of appeal, other than in a limited civil case, and specifies certain judgments and orders from which an appeal may be taken.

This bill would add an order granting or denying class certification, as specified, to those judgments and orders from which an appeal may be taken.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 904.1 of the Code of Civil Procedure is
- 2 amended to read:
- 3 904.1. (a) An appeal, other than in a limited civil case, is to
- 4 the court of appeal. An appeal, other than in a limited civil case,
- 5 may be taken from any of the following:
- 6 (1) From a judgment, except (A) an interlocutory judgment,
- 7 other than as provided in paragraphs (8), (9), and (11), or (B) a
- 8 judgment of contempt that is made final and conclusive by Section
- 9 1222.

1 (2) From an order made after a judgment made appealable by  
2 paragraph (1).

3 (3) From an order granting a motion to quash service of  
4 summons or granting a motion to stay the action on the ground of  
5 inconvenient forum, or from a written order of dismissal under  
6 Section 581d following an order granting a motion to dismiss the  
7 action on the ground of inconvenient forum.

8 (4) From an order granting a new trial or denying a motion for  
9 judgment notwithstanding the verdict.

10 (5) From an order discharging or refusing to discharge an  
11 attachment or granting a right to attach order.

12 (6) From an order granting or dissolving an injunction, or  
13 refusing to grant or dissolve an injunction.

14 (7) From an order appointing a receiver.

15 (8) From an interlocutory judgment, order, or decree, hereafter  
16 made or entered in an action to redeem real or personal property  
17 from a mortgage thereof, or a lien thereon, determining the right  
18 to redeem and directing an accounting.

19 (9) From an interlocutory judgment in an action for partition  
20 determining the rights and interests of the respective parties and  
21 directing partition to be made.

22 (10) From an order made appealable by the provisions of the  
23 Probate Code or the Family Code.

24 (11) From an interlocutory judgment directing payment of  
25 monetary sanctions by a party or an attorney for a party if the  
26 amount exceeds five thousand dollars (\$5,000).

27 (12) From an order directing payment of monetary sanctions  
28 by a party or an attorney for a party if the amount exceeds five  
29 thousand dollars (\$5,000).

30 (13) From an order granting or denying a special motion to  
31 strike under Section 425.16.

32 (14) *From an order granting or denying class certification for*  
33 *an action under Section 382.*

34 (b) Sanction orders or judgments of five thousand dollars  
35 (\$5,000) or less against a party or an attorney for a party may be  
36 reviewed on an appeal by that party after entry of final judgment  
37 in the main action, or, at the discretion of the court of appeal, may  
38 be reviewed upon petition for an extraordinary writ.

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